

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: WILLIAM R. GALLAGHER

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

vs.

WILLIAM R. GALLAGHER

CASE NO: 5-16-00276-JJT

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on August 22, 2016, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. A Plan was filed on January 27, 2016.
2. A Confirmation hearing was held and an Order was entered on May 3, 2016 directing that an amended plan be filed within sixty (60) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable Plan.

Respectfully submitted,

s/ Agatha R. McHale, Esq.
Attorney for Trustee
Charles J. DeHart, III
Standing Chapter 13 Trustee
Ste. A, 8125 Adams Drive
Hummelstown, PA 17036
717-566-6097

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NOTICE

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

| | |
|---|--|
| U.S. Bankruptcy Court Max Rosenn U.S. Courthouse Courtroom #2 197 S. Main Street Wilkes Barre, PA | Date: September 13, 2016 Time: 09:30 AM |
|---|--|

Any objection/response to the above referenced matter must be filed and served on or before:
September 9, 2016.

If you file and serve an objection/response within the time permitted, a hearing will be held at the above specified date, time and location. If you do not file an objection within the time permitted the Court will deem the motion unopposed and proceed to consider the Motion without further notice or hearing, and may grant the relief requested.

Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097

Dated: August 22, 2016

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CERTIFICATE OF SERVICE

AND NOW, on August 22, 2016, I, Vickie Williams, hereby certify that I served a copy of the Trustee's Motion to Dismiss, Notice, and Proposed Order either electronically or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, first class mail, postage prepaid, addressed to the following:

JOHN J. MARTIN, ESQUIRE
1022 COURT STREET
HONESDALE, PA 18431-

WILLIAM R. GALLAGHER
276 CENTER ROAD
STROUDSBURG, PA 18360

Respectfully Submitted,
s/ Vickie Williams
for Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097

Dated: August 22, 2016

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby
ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED.